

Message Text

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PAGE 01 USUN N 03304 01 OF 02 250135Z
ACTION DLOS-09

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-14 EA-12 EUR-12
NEA-10 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-04
SOE-02 DOE-15 FMC-02 TRSE-00 H-02 INR-10 INT-05
JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OES-09 OMB-01
PA-02 PM-05 SP-02 SS-15 ICA-20 /213 W
-----102399 250149Z /73

R 250128Z AUG 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2985

UNCLAS SECTION 01 OF 02 USUN NEW YORK 03304

FROM LOS DEL

DEPARTMENT PASS ALL DIPLOMATIC POSTS

E.O. 11652: N/A
TAGS: PLOS
SUBJECT: LOS - STATEMENT BY US REPRESENTATIVE IN NEGOTIATING
GROUP ONE, AUGUST 24

1. THERE FOLLOWS THE TEXT OF A STATEMENT MADE BY AMBASSA-
DOR ALDRICH IN NEGOTIATING GROUP ONE ON AUGUST 24, RECORD-
ING THE US VIEW THAT THE SEABEDS TEXTS PRODUCED AT THE
GENEVA SESSION OF THE CONFERENCE NEED SIGNIFICANT FURTHER
IMPROVEMENT.

2. BEGIN TEXT

MR. CHAIRMAN:

I WANT TO SUPPORT YOUR PROPOSAL THAT WE NOT GO BACK OVER THE
TEXTS PRODUCED IN GENEVA, BUT MOVE AHEAD TO WORK ON OTHER
ELEMENTS OF THE SYSTEM OF EXPLOITATION, IN PARTICULAR, ANNEX
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PAGE 02 USUN N 03304 01 OF 02 250135Z

II. I THINK THE MOST IMPORTANT THING IS THAT THE TEXTS
PRODUCED IN GENEVA HAVE MOVED US CLOSER TO CONSENSUS AND
WILL FORM THE BASIS FOR FURTHER NEGOTIATIONS.

EVEN MORE SIGNIFICANT THAN THE PRODUCTION OF THESE NEW
TEXTS IS THE FACT THAT THE NEGOTIATION PROCEEDED IN A
HEARTENING ATMOSPHERE OF COOPERATION. VIRTUALLY ALL DELE-

GATIONS HAVE ACCEPTED A COMMON CHALLENGE--HOW TO MAKE THE PARALLEL SYSTEM OF EXPLOITATION WORKABLE, AND OUR EFFORTS HAVE BEEN DIRECTED TO THIS COMMON TASK.

I WOULD NOT, HOWEVER, WANT TO LEAVE THE IMPRESSION THAT OUR FUTURE WORK WILL BE EASY. FAR FROM IT; MANY SEEMINGLY INTRACTABLE ISSUES LIE AHEAD. THE TEXTS PRODUCED IN GENEVA REVEAL OUR FAILURES AS WELL AS OUR ACCOMPLISHMENTS. MY DELEGATION'S BELIEF THAT WE SHOULD NOW PROCEED TO OTHER ISSUES SHOULD NOT BE MISUNDERSTOOD AS IMPLYING OUR SATISFACTION WITH OR ACCEPTANCE OF THE GENEVA TEXTS. THESE TEXTS NEED SIGNIFICANT FURTHER IMPROVEMENTS, BOTH IN DETAIL (WHICH I WOULD NOT WISH TO DISCUSS HERE) AND WITH RESPECT TO MAJOR ISSUES. AMBASSADOR RICHARDSON HAS ASKED THAT I MAKE CLEAR OUR CONCERNS WITH RESPECT TO THESE ISSUES.

AMONG THE MAJOR DEFECTS OF THESE TEXTS IS THE REVIEW CLAUSE, WHICH REMAINS UNSATISFACTORY, ALTHOUGH IT IS CLEARLY AN IMPROVEMENT OVER THE COMPARABLE PROVISIONS IN THE ICNT. THE MINERALS FROM THE SEABEDS WILL BE MORE NEEDED BY THE WORLD'S ECONOMY IN THE NEXT CENTURY THAN THEY ARE NOW; CLEARLY WE COULD NOT BE EXPECTED TO AGREE THAT OUR ACCESS TO THEM MIGHT BE DENIED AT THAT TIME. THE COMMON HERITAGE OF MANKIND IS NOT SOMETHING THAT CAN BE HIDDEN AWAY AND HOARDED. ON THE CONTRARY, IT MUST BE AVAILABLE FOR USE BY ALL STATES AS NEEDED.

UNCLASSIFIED

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PAGE 03 USUN N 03304 01 OF 02 250135Z

SIMILARLY, SOME OF THE PROVISIONS ON TRANSFER OF TECHNOLOGY CONTINUE TO CAUSE US DEEP CONCERN. WHILE THEY USE AN ACCEPTABLE STANDARD, FAIR AND REASONABLE COMMERCIAL TERMS AND CONDITIONS, WE WERE DISTURBED TO FIND THAT OUR WILLINGNESS TO CONTEMPLATE THE IMPOSITION UPON CONTRACTORS OF EXTRAORDINARY AND UNPRECEDENTED OBLIGATIONS IN ORDER TO ASSURE THE ENTERPRISE THAT IT WILL BE ABLE TO ACQUIRE THE TECHNOLOGY IT NEEDS HAS ENCOUNTERED FURTHER DEMANDS THAT THESE OBLIGATIONS CONTINUE INDEFINITELY, LONG BEYOND THE TIME THEY ARE NEEDED, AND THAT THE SAME OBLIGATIONS BE UNDERTAKEN FOR THE BENEFIT OF DEVELOPING COUNTRIES WHICH MAY WANT TO ENGAGE IN SEABED MINING ON THEIR OWN. THESE PROVISIONS ARE NOT NEEDED TO MAKE THE PARALLEL SYSTEM OF EXPLOITATION WORKABLE, AND PRESSURE FOR THEM WOULD IMPERIL ACCEPTANCE OF OBLIGATIONS DESIGNED TO PUT THE ENTERPRISE IN BUSINESS. MOREOVER, I THINK IT IS GENERALLY RECOGNIZED THAT THE TEXTS PRODUCED IN GENEVA NEED IMPROVEMENT WITH RESPECT TO ARBITRATION, THE AWARD OF DAMAGES, AND THE AVAILABILITY OF OTHER SANCTIONS TO AVOID ANY IMPLICATION THAT CONTRACTS CAN BE ANNULLED AS A RESULT OF INEVITABLE DISAGREEMENTS OVER THE TERMS ON WHICH TECHNOLOGY WILL BE

SOLD.

THE PRODUCTION CONTROL CONTAINED IN ARTICLE 150 BIS IS
CLEARLY AN IMPROVEMENT OVER THAT CONTAINED IN THE ICNT.
LIKE ALL COMPROMISES, IT CONFRONTS BOTH PRODUCERS AND
CONSUMERS WITH PAINFUL DECISIONS. MY GOVERNMENT HAS NOT
YET DECIDED WHETHER IT IS ACCEPTABLE, AND WE CAN UNDERSTAND
THAT OTHERS MAY ALSO WISH TO EXAMINE IT IN THE CONTEXT OF
A FULLY DEVELOPED PARALLEL SYSTEM OF EXPLOITATION.

ARTICLE 150 BIS NEEDS TO BE REVISED TO MAKE CLEAR THAT THE
AUTHORITY CAN BECOME A PARTY TO ANY COMMODITY AGREEMENT
ONLY IF ALL MAJOR PRODUCERS AND CONSUMERS OF THE COMMODITY
IN QUESTION ALSO BECOME PARTIES. THIS IS NECESSARY TO
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PAGE 04 USUN N 03304 01 OF 02 250135Z

NOTE BY OC/T: NOT PASSED ALL DIPLOMATIC POSTS.

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PAGE 01 USUN N 03304 02 OF 02 250136Z
ACTION DLOS-09

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-14 EA-12 EUR-12
NEA-10 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
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JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OES-09 OMB-01
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-----102402 250148Z /73

R 250128Z AUG 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2986

UNCLAS SECTION 02 OF 02 USUN NEW YORK 03304

FROM LOS DEL

DEPARTMENT PASS ALL DIPLOMATIC POSTS

PROTECT THE INTERESTS OF BOTH PRODUCERS AND CONSUMERS.

WE SHOULD NOT OVERLOOK THE FACT THAT MANY OTHER ELEMENTS OF THE SYSTEM OF EXPLOITATION REQUIRE MUCH FURTHER WORK, CLARIFICATION AND IMPROVEMENT BEFORE MY GOVERNMENT, OR, I WOULD EXPECT, THE GOVERNMENTS OF MOST STATES REPRESENTED HERE WOULD BE IN A POSITION TO PASS JUDGMENT ON THE ACCEPTABILITY OF THE SYSTEM AS A WHOLE. THIS WILL BE ONE OF OUR PRINCIPAL TASKS AT THIS RENEWED SESSION.

ALSO, WE SHALL HAVE TO ENSURE THAT THE ENTERPRISE IS A RESPONSIBLE COMPETITOR--THAT IT BEARS SUBSTANTIALLY THE SAME BURDENS AS STATE AND PRIVATE COMPANIES. THIS CONSIDERATION IMPELS ME TO SUGGEST THAT WE BEGIN OUR WORK THIS YEAR WITH THE QUESTION OF WHETHER PART OR ALL OF ANNEX II APPLIES TO THE ENTERPRISE. IT IS IMPOSSIBLE TO DEAL INTEL-LIGIBLY WITH THE QUESTION OF THE SELECTION OF APPLICANTS WITHOUT INCLUDING THE WHOLE QUESTION OF THE APPROVAL OF PLANS OF WORK FOR THE ENTERPRISE AS WELL AS FOR STATE AND UNCLASSIFIED

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PAGE 02 USUN N 03304 02 OF 02 250136Z

PRIVATE CONTRACTORS.

END TEXT

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Message Attributes

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TAGS: PLOS, PORG, (ADRIC, GEORGE)
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